IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

WEDNESDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE N.V. RAMANA

* * *

WP.No.8825 OF 2006

Between:

D. Shiela Priyadarshini, w/o. G.Elisha,
aged about : 38 years, 0cc. RT Biological
Sciences, AP.Social Welfare Residential
Girls School, Ramayampet, Medak Dist. … Petitioner

Versus

The Govt.of Andhra Pradesh,
Represented by its Principal Secretary,
Social Welfare Department,
Secretariat, Hyderabad & Ors. … Respondents

Counsel for the Petitioner: M/s. Nageswar Rao Palle

Counsel for the Respondent: GP for Social Welfare
Mr.Vijayabhaskar Moola

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.8825 of 2006

Order :

This writ petition is filed seeking writ of mandamus to declare the impugned Memo bearing RC.No.Zone-VI/13790/2006 dated 13.04.2006 terminating the services of the petitioner as wholly illegal, arbitrary and unjust, and consequently to set aside the same and direct the respondents to continue the petitioner in service and pay her the scale attached to the post held by her with effect from 01.09.2002, and pass such other suitable orders.

The petitioner's main grievance is that even though regular vacancies of Post Graduate Teachers are available, and the petitioner is qualified for appointment in the said regular vacancies, yet the 2nd respondent is resorting to appointments on contractual basis for a period of one year. Such action of the 2nd respondent, the petitioner contends, tantamount to depriving her right to get regular employment. Her further grievance is that as per Contract Teachers Service Rules after the candidate performance has been closely assessed for five successive academic years the case of the person can be considered for regularisation of his services in the Society, and since she has been working from February 1997 onwards she is entitled for regularization under the said Rules also.

The respondents filed counter affidavit, *inter alia* stating that as the petitioner was appointed on contract basis she is not entitled for appointment on regular basis and consequently regular scale of pay. It is stated that though regular vacancies of Post Graduate Teachers are available, the policy of the Government is to recruit the Teachers on contract basis only to improve the standard of education. It is further stated that as per the Service Recruitment Rules, regular recruitment of teachers and recruitment on contract basis are distinct in their form, and

the petitioner does not belong to category-III and that no regular recruitment procedure was followed while engaging the petitioner on contract basis and her engagement is only for a fixed term of one academic year.

Heard the learned counsel for the petitioner, learned Government Pleader for Social Welfare for respondent No.1, and the learned Standing Counsel for respondent Nos.2 and 3.

During the course of arguments, learned counsel appearing on behalf of respondents submits that recently the Government has taken a policy decision to fill up the posts of Teachers on regular basis and accordingly they issued G.O. Ms. No.66, Social Welfare (RS.1) Department, dated 25.08.2006 permitting the Secretary, Andhra Pradesh Social Welfare Residential Educational Institutions Society to go for regular recruitment of 782 regular posts of teaching staff vacant in the regular schools and 943 posts of teaching staff sanctioned to the regular schools in the G.O.Ms.No.107 S.W.(RS.1) Department, dated 20.10.1998, G.O.Ms.No.10, S.W. (RS.1) Department, dated 28.01.1999 and G.O.Ms.No.64, S.W. (RS.1) Department, dated 06.07.2001 on regular basis instead of contract basis. He further submits that within a short period they are going to regularize the services of the petitioner also, if she is otherwise eligible as per the Service Recruitment Rules.

At this stage, both the counsel agreed to dispose of the writ petition with a direction to the respondents to consider the case of the petitioner in accordance with G.O.Ms.No.66, Social Welfare (RS.1) Department, dated 25.08.2006.

Having regard to the facts and circumstances of the case and in view of the agreed stand taken by both the counsel, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following direction:

The respondents are directed to consider the case of the petitioner for regularisation of her services, as and when they regularize the services of other contract teaching staff as per the new policy decision of the Government in G.O. Ms. No.66, Social Welfare (RS.1) Department, dated 25.08.2006, if she is otherwise eligible under the Rules.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

DECEMBER 20th, 2006.
ISL